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Attorneys For Plaintiff
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAX BUDZIAK,

Defendant.

No. CR 08-00284-RMW

STIPULATION TO MODIFY
BRIEFING SCHEDULE

DATE: October 17, 2013
TIME: 2:00 p.m.

The Hon. Ronald M. Whyte

The United States, through its counsel Jeff Nedrow, and defendant Max Budziak, through his counsel W. Michael Whelan and Graham Archer, hereby agree and stipulate to modify the briefing schedule in this case to permit the government an extra week to file its briefing regarding the procedure in this case. Such a modification would move the government's filing date from September 19, 2013 to September 26, 2013, and the defense responsive filing from October 3, 2013 to October 10, 2013. This continuance is requested for the following reasons:

1) The government requested this stipulation based upon its need for additional time to prepare its briefing on the proposed procedure for addressing the concerns raised in the Ninth Circuit's remand. The age of the case, and the unique nature of the remand in this case, have presented challenges for the government in terms of reviewing the file and proposing a procedure

1 to the Court. The defense has agreed to the modification of the schedule.

2 For these reasons, the parties respectfully request that the Court modify the briefing
3 schedule in this case to permit the government to file its brief on September 26, 2013, with the
4 defense brief due on October 10, 2013. The government and the defense jointly request an
5 appearance on October 17, 2013 before this Court, with the understanding that another hearing
6 may be scheduled if the Court feels it needs additional time to consider the matter after reviewing
7 the filings of the parties.

8 It is so stipulated.

9 Respectfully submitted,

10 Dated: September 16, 2013

MELINDA HAAG
UNITED STATES ATTORNEY

12 /s/
13 JEFFREY D. NEDROW
Assistant U.S. Attorney

14 Dated: September 16, 2013

15 /s/
GRAHAM ARCHER
Attorney for Max Budziak

17 **ORDER**

18 Based on the stipulation of the parties and the facts set forth herein, good cause
19 appearing,

20 IT IS HEREBY ORDERED that the briefing schedule in this matter is modified. The
21 government's brief shall be due on September 26, 2013. The defense brief shall be due on
22 October 10, 2013. The hearing date of October 17, 2013 shall remain as scheduled absent further
23 order of the Court.

24 Dated this Fî day of Qevqdg, 2013.

25 
26 RONALD M. WHYTE
27 United States District Judge
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